

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DR. JUDY WOOD on behalf
of the UNITED STATES OF AMERICA

Plaintiff,

vs.

APPLIED RESEARCH ASSOCIATES,
INC.; SCIENCE APPLICATIONS
INTERNATIONAL CORP.;
BOEING, NuSTATS; COMPUTER
AIDED ENGINEERING ASSOCIATES,
INC.; DATASOURCE, INC.;
GEOSTAATS, INC.; GILSANZ
MURRAY STEFICEK LLP; HUGHES
ASSOCIATES, INC.; AJMAL ABBASI;
EDUARDO KAUSEL; DAVID PARKS;
DAVID SHARP; DANIELE VENEZANO;
JOSEF VAN DYCK; KASPAR WILLIAM;
ROLF JENSEN & ASSOCIATES, INC.;
ROSENWASSER/GROSSMAN
CONSULTING ENGINEERS, P.C.;
SIMPSON GUMPERTZ & HEGER, INC.;
S. K. GHOSH ASSOCIATES, INC.;
SKIDMORE, OWINGS & MERRILL,
LLP; TENG & ASSOCIATES, INC.;
UNDERWRITERS LABORATORIES,
INC.; WISS, JANNEY, ELSTNER
ASSOCIATES, INC.; AMERICAN
AIRLINES; SILVERSTEIN PROPERTIES;
and UNITED AIRLINES,

Defendants.

Case No. 07CV3314 (GBD)

**APPLIED RESEARCH ASSOCIATES, INC.'S
MOTION FOR SANCTIONS PURSUANT TO
FED. R. CIV. P. 11 AND § 3730(d)(4)
OF THE FCA**

COMES NOW Defendant Applied Research Associates, Inc. ("ARA"), by and through counsel, and hereby submits its Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 and § 3730(d)(4) of the FCA. In support of said Motion, Defendant ARA submits herewith its Memorandum of Law.

WHEREFORE, for the reasons outlined in the accompanying Memorandum of Law, Relator's claims are factually and legally deficient and warrant sanctions. Relator's claims are barred by the public disclosure bar of the FCA and have no chance of success. Moreover, Relator's Complaint fails to state a valid claim for relief under the FCA. In addition, Relator's Complaint is intended only to harass Defendants and to promote Relator's September 11 conspiracy theories. Furthermore, once this Court rules on Defendants' Motion to Dismiss, Defendants, as the prevailing party, will be entitled to attorney's fees and costs under § 3730(d)(4) of the FCA. Accordingly, Defendants respectfully request the Court impose sanctions in the form of attorneys fees against Relator and her attorney under both Fed. R. Civ. P. 11 and § 3730(d)(4) of the FCA.

Dated: January 23, 2008
Denver, Colorado

Respectfully submitted,


s/ Wm. David Byassee

Adam S. Ennis
SDNY Bar No. AE9468
Jackson Kelly PLLC
Three Gateway Center, Suite 1340
Pittsburgh, PA 15222
Telephone: 412-434-8804
Facsimile: 412-434-8062
Email: aennis@jacksonkelly.com

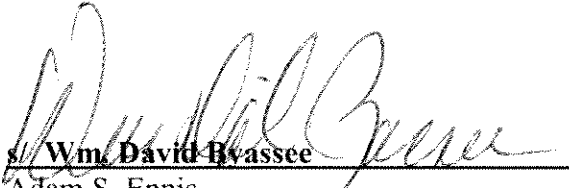
Wm. David Byassee, Esq.
(admitted *pro hac vice*)
Jackson Kelly PLLC
1099 18th Street, Suite 2150
Denver, Colorado 80202
Telephone: 303-390-0003
Facsimile: 303-390-0177
Email: dbyassee@jacksonkelly.com

Counsel for Applied Research Associates, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January 2008, I served the foregoing **APPLIED RESEARCH ASSOCIATES, INC.'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11 AND § 3730(d)(4) OF THE FCA** via overnight Federal Express on:

Jerry V. Leaphart, Esq.
8 West Street, Suite 203
Danbury, CT 06810
Counsel for Relator


~~s/ Wm. David Byassee~~
Adam S. Ennis
SDNY Bar No. AE9468
Jackson Kelly PLLC
Three Gateway Center, Suite 1340
Pittsburgh, PA 15222
Telephone: 412-434-8804
Facsimile: 412-434-8062
Email: aennis@jacksonkelly.com

Wm. David Byassee, Esq.
(admitted *pro hac vice*)
Jackson Kelly PLLC
1099 18th Street, Suite 2150
Denver, Colorado 80202
Telephone: 303-390-0003
Facsimile: 303-390-0177
Email: dbyassee@jacksonkelly.com

Counsel for Applied Research Associates, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February 2008, I electronically filed the foregoing **APPLIED RESEARCH ASSOCIATES, INC.'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11 AND § 3730(d)(4) OF THE FCA** with the Clerk of Court using the CM/ECF system which will send notification of filing to the following e-mail addresses:

Jerry V. Leaphart
jsleaphart@cs.com
Counsel for Relator

Chad Everette Sjoquist
csjoquist@zdlaw.com
Counsel for Skidmore, Owings & Merrill, LLP

Philip C. Semprevivo
psemprevivo@bhmr.com
Counsel for Underwriters Laboratories, Inc.

Philip Touitou
ptouitou@hinshawlaw.com
*Counsel for Wiss, Janney, Elstner Associates, Inc. and
Rolf Jensen Associates, Inc.*

And I hereby certify that I have mailed or served the document or paper to the following non-CM/ECF participants by U.S. Mail, first class, postage prepaid and addressed to the following:

None.

s/ **Wm. David Byassee**

Adam S. Ennis
SDNY Bar No. AE9468
Jackson Kelly PLLC
Three Gateway Center, Suite 1340
Pittsburgh, PA 15222
Telephone: 412-434-8804
Facsimile: 412-434-8062
Email: aennis@jacksonkelly.com

Wm. David Byassee, Esq.
(admitted *pro hac vice*)
Gail D. Zirkelbach, Esq.
(admitted *pro hac vice*)
Jackson Kelly PLLC

1099 18th Street, Suite 2150
Denver, Colorado 80202
Telephone: 303-390-0003
Facsimile: 303-390-0177
Email: dbyassee@jacksonkelly.com
gdzirkelbach@jacksonkelly.com

Counsel for Applied Research Associates, Inc.